

SURREY COUNTY COUNCIL**CABINET**

DATE: 18 DECEMBER 2018

REPORT OF: MR MIKE GOODMAN, CABINET MEMBER
FOR ENVIRONMENT & WASTE

LEAD OFFICER: JASON RUSSELL, EXECUTIVE DIRECTOR HIGHWAYS,
TRANSPORT & ENVIRONMENT

SUBJECT: PREPARATION OF THE NEW SURREY WASTE LOCAL PLAN:
SUBMISSION PLAN

**SUMMARY OF ISSUE:**

Surrey County Council is the Waste Planning Authority and so is responsible for setting planning policy that is used in making decisions on planning applications for waste management facilities in Surrey. The current Surrey Waste Plan includes such policies (with allocations of land suitable for waste management) and was adopted in 2008 and is now being replaced by a new plan.

Preparation of the new plan, known as the 'Surrey Waste Local Plan' (the Plan), has undergone several stages of public consultation, including on the Draft Plan between November 2017 and February 2018. The text of the final draft of the Plan (known as the 'Submission' draft) has been prepared reflecting consultation, further evidence gathering and site assessment. It seeks to ensure that waste is managed in the most sustainable way and that facilities will not result in unacceptable impacts on communities and the environment either directly or through vehicle movements.

In accordance with the plan making regulations (Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)), the council must submit the Submission Plan to the Secretary of State for examination of its legality and soundness. Prior to submitting the Submission Plan, the council must publish it for a period of at least six weeks to allow representations to be made on its soundness and legality.

The timetable for preparing the Plan has changed to reflect the need for additional time to assess responses to the consultation on the Submission Plan and the revised National Planning Policy Framework. In accordance with the regulations, the Council must reflect the change to the timetable in its Minerals and Waste Development Scheme (MWDS) which sets out its planning policy documents and its programme for revising these documents. The MWDS also sets out a broad timetable for the review of the Surrey Minerals Plan.

The Council's Statement of Community Involvement (SCI) sets out how communities are involved in planning policy and planning applications. This document also needs to be updated to reflect a new requirement that such documents explain how councils will support neighbourhood planning and to reflect key learnings from the consultation carried out for the Plan. When updating SCIs it is best practice to consult on a draft document prior to its adoption.

The Government has indicated that it will publish a new 'Resources and Waste Strategy' by the end of 2018. While it is not expected that the new Strategy will require changes to the Plan, its publication will be closely monitored.

RECOMMENDATIONS:

It is recommended that Cabinet agrees:

1. The council submits the Surrey Waste Local Plan (Submission Plan) (see Annexes 1 and 2) to the Secretary of State following its publication for representations under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. The Executive Director of Highways, Transport & Environment be given delegated authority to approve any non-material changes to the Plan in consultation with the Cabinet Member for Environment & Transport prior to its publication and during its Examination.
3. The Council's revised Minerals and Waste Development Scheme December 2018 (See Annex 3) is agreed.
4. The Council publishes an updated draft Statement of Community Involvement for consultation in Spring 2019

REASON FOR RECOMMENDATIONS:

It is a statutory requirement for Surrey County Council to have a Waste Local Plan and the National Planning Policy Framework (NPPF) emphasises that Local Plans should be kept up to date¹. A new Surrey Waste Local Plan (the Plan) is being prepared that will replace the 2008 Surrey Waste Plan (SWP) and will cover the period from 2018 to 2033. The Plan will ensure that planning policy for the management of waste reflects a more recent assessment of the need for waste management in Surrey as well as the current and likely future opportunities and constraints for such development. Regulations governing the plan making process require that such plans are submitted to the Secretary of State following a period for representations on soundness and compliance with relevant legislation².

The Plan includes a vision for Surrey to be sustainable in terms of waste management. This means encouraging communities to prevent waste and to manage waste that is produced in the most sustainable way by providing recycling and recovery facilities in the right locations at the right time. The Plan expects facilities to maximise the resource potential of waste by managing waste as high up on the waste hierarchy as possible.

Waste data is published annually in November and the published Plan will include the latest available 2017 data and any consequent non-material changes to the Plan. Such changes, and any other minor changes considered desirable, will be made by the Executive Director, in consultation with the Cabinet Member, prior to the Plan publication in mid-January 2019.

¹ The revised National Planning Policy Framework was published on 24 July 2018

² Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

The associated timetable for preparing the Plan and statement on how communities are involved in the preparation of planning policy and consultation on planning applications also require updating to ensure they reflect the current programme for preparing the Plan and new legislative requirements.

DETAILS:

Introduction

1. Surrey County Council is the Waste Planning Authority (WPA). The Planning & Compulsory Purchase Act (2004) as amended by the Localism Act (2011) requires all minerals and waste planning authorities to prepare and maintain a Minerals and Waste Development Scheme (MWDS), setting out what planning policy document the county council has adopted and when these documents will be reviewed.
2. As the WPA, the council is required under the Planning and Compulsory Purchase Act 2004 to produce a local plan which sets out how waste will be managed in Surrey. The WPA uses the policies in its waste local plan to inform decisions on planning applications for development related to the management of waste. This is distinct from its role as the Waste Disposal Authority (WDA).
3. The current waste local plan is the Surrey Waste Plan that was adopted in 2008. The new Plan will cover the period up to 2033. The Plan considers all major waste streams including: commercial and industrial (C&I) waste, construction, demolition and excavation waste (C,D&E), as well as waste produced by households.
4. The key stages in preparing the Plan are set out below and include the preparation of a draft plan followed by the submission of a final draft (known as the 'Submission Plan') to the Secretary of State (SoS) for examination.

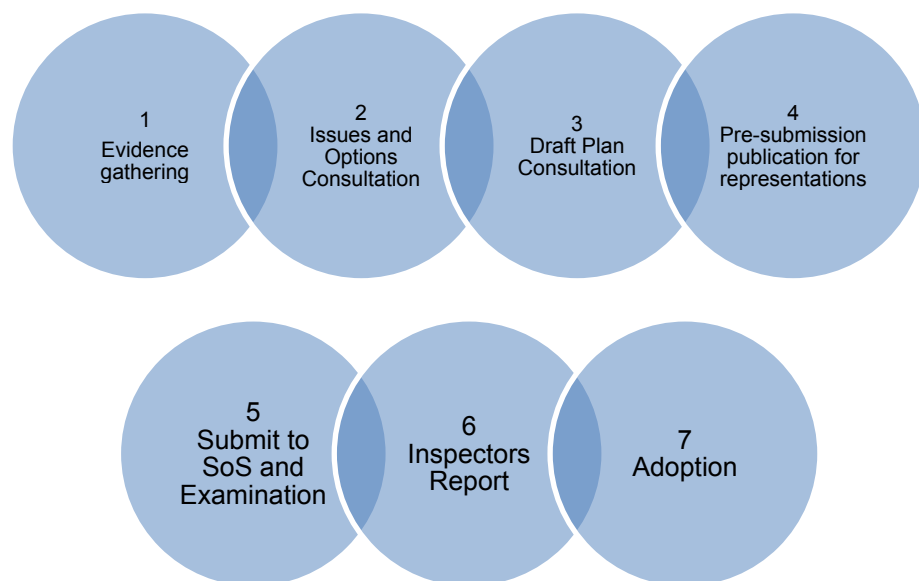


Figure 1 Stages of preparing the new Surrey Waste Local Plan

5. The timetable has been updated to reflect additional time taken to assess the responses to the consultation on the Draft Plan which included the need for

detailed technical assessment and the implications of the revised NPPF published in July 2018. The county council is required to publish an up to date programme for preparing the Plan in its Local Development Scheme (LDS), and, as the timetable has changed an update to the LDS is required.

Content of the Submission Plan

6. The text of the Submission Plan has now been finalised and this is presented in Annexes 1 and 2. The Submission Plan is presented in two parts: Part 1 includes the context, vision and objectives and associated policies (Annex 1). Part 2 includes details of land identified as offering opportunities for waste development (Annex 2). This land is identified as five specific sites and 22 areas of search.
7. The Submission Plan needs to be 'sound' which means it should be positively prepared, justified, effective and consistent with national policy. The Submission Plan is therefore based on an up to date evidence base (including technical assessments) and has taken into account consultation on the Draft Plan and further discussion with stakeholders.
8. The Submission Plan will allow for the development of facilities capable of managing waste in Surrey in the most sustainable way, consistent with national policy.
9. The Government has indicated that it will publish a new 'Resources and Waste Strategy' by the end of 2018. This strategy follows on from the Government's 25 Year Environment Plan and will likely reflect the EU Circular Economy Package that was adopted by member states in May 2018.
10. The Government has said it will honour commitments in this circular economy package post Brexit which amongst other things includes targets for recycling and diversion from landfill that have been taken into account in the Plan. The Strategy is expected to include measures to incentivise manufacturers of goods, including packaging, to use recycled materials and ensure their products can be more easily re-used and recycled. While it is not expected that the new Strategy will require changes to the Plan, its publication will be closely monitored.

Vision, Strategic Objectives, Spatial Strategy and Policies

11. The Submission Plan includes a vision and strategic objectives and a spatial strategy based on preferred options identified through the issues and options consultation in late 2016. The spatial strategy seeks to direct additional waste management capacity to land that has been previously developed and on sites that are well connected to producers of waste e.g. homes and businesses. The Vision and objectives are consistent with the Waste Disposal Authority's County strategy for managing household waste.
12. A simple diagram has been included in the Submission Plan to help clarify how different types of land are preferred for development. One of the key influences on land use in Surrey is the Green Belt which is reflected in the hierarchy.
13. The plan's policies are intended to implement the objectives of the Submission Plan. Therefore the policies set how and where different types of

waste management should take place and the issues that development needs to consider.

14. Some of the policies will require implementation by district and borough councils in Surrey. These policies require proposals for any type of development over a certain size to consider how waste arising from the development can be managed sustainably and also concern the safeguarding of waste management facilities from development that might hinder their operation.

Allocated Sites

15. By estimating future waste arisings and calculating current waste management capacity it has been established that there is a 'capacity gap' in the county i.e. a need for additional waste management capacity – particularly the recovery of waste that cannot be recycled e.g. energy from waste. The Draft Plan identified nine potential sites to meet the capacity gap but an updated waste needs assessment has revealed that five sites will be sufficient.
16. The selection of the five strategic sites³ followed an assessment of over 200 sites. Matters considered as part of the selection process are set out in a separate background document and technical assessments but these included: Flood risk; transport; habitats (including assessment required by the Habitats Regulations); landscape; air quality and health. During consultation on the Draft Plan, further nominations for alternatives sites were invited to ensure no opportunities have been overlooked.
17. Allocation of a site does not mean that any proposal for development in that location would automatically be granted planning permission and Part 2 of the Submission Plan provides details of the matters that would need to be addressed. An indication of the range of waste management facility types that could be accommodated is also set out. As shown below four of the sites are already identified in the current SWP.

| Site | Site in 2008 SWP | Site in Green Belt |
|--|------------------|--------------------|
| Former Weylands STW, Hersham | Yes | Yes |
| Land NE of Slyfield Industrial Estate, Guildford | Yes | No |
| Randalls Road, Leatherhead | Yes | Yes |
| Oakleaf Farm, Stanwell Moor | Yes | Yes |
| Land at Lambs Business Park, South Godstone | No | Yes |

³ To be strategic these sites need to be capable of processing at least an additional 20,000 tonnes of waste per annum

18. In addition, in line with the national Planning Practice Guidance for waste⁴ (nPPG) and the Joint Municipal Waste Management Strategy (JMWMS) (Appendix 1 - Action Plan) which includes the need to deliver new infrastructure for processing Dry Mixed Recyclables⁵ (DMR), the following allocation is also included:

| Site | Site in 2008 SWP | Site in Green Belt |
|---|------------------|--------------------|
| Land adjacent to Trumps Farm, Longcross | Yes | Yes |

19. The site at Trumps Farm, Longcross will be allocated specifically for the development of a facility to process DMR in line with the JMWMS and any supporting plans and strategies.
20. As suitable land for waste management in urban areas is difficult to find, particularly in a county such as Surrey, five of the sites are located in the Green Belt, albeit they include previously developed land and sites which are being considered for removal from Green Belt by District and Borough local plan reviews. In accordance with national policy, to be granted permission, any proposal on a Green Belt site would have to demonstrate 'very special circumstances'.

Industrial Land Areas of Search

21. To further guide development to suitable locations, Part 2 of the Submission Plan also identifies areas of land allocated in district and borough council local plans as suitable for employment uses; specifically use classes B2 (general industrial) and B8 (storage or distribution). In many instances, the recycling and processing of waste can be carried out within modern, purpose-designed buildings that can be located in urban areas and industrial estates.
22. The areas, known as 'Industrial Land Areas of Search', are largely occupied by existing businesses but could offer opportunities for waste uses as and when properties are vacated. Identification of these ILAS has involved discussion with District and Borough Councils.

Statement of Community Involvement

23. The Council's Statement of Community Involvement (SCI) sets out how the authority will engage and consult communities on planning policy and planning applications. Since adoption of the SCI in 2015, new legislation has been enacted that requires an authority's SCI to set out how it will support neighbourhood planning. The SCI will also be updated to reflect key learnings from the preparation of the Plan.

⁴ "Circumstances when it may be more appropriate to prescribe a specific technology include...for any facilities to deal with municipal waste where a clear service development strategy is required" (Paragraph: 019).

⁵ Clean dry recyclates composed of: paper, cardboard, metal cans and plastics

24. A draft updated SCI has been prepared and, in accordance with best practice, a period of public consultation is proposed in Spring 2019 after the period for representations on the Submission Plan. The updated SCI will be updated in light of consultation responses and reported in Summer 2019, with a recommendation that it be adopted by Council.

Statements of Common Ground

25. Revisions to National Planning Policy Framework made in July 2018 require strategic plan making authorities to prepare Statements of Common Ground (SoCG) concerning strategic policies on cross boundary matters with relevant bodies. SoCG are therefore being prepared with district and borough councils and other waste planning authorities. The Submission Plan sets out the progress in preparing SoCG.

CONSULTATION:

26. There are several key stages of public consultation associated with the preparation of the Plan (Figure 1). This includes the Issues and Options consultation (agreed by Cabinet on 14 July 2016) and the Draft Plan consultation.
27. The Draft Plan was published for comments for 12 weeks (including additional time for Christmas bank holidays) from 1 November 2017 to 7 February 2018, in accordance with Surrey County Council's Statement of Community Involvement. An overview of the comments made during the consultation is included below. The Draft Plan Consultation Summary Report reports on the results of the consultation in more detail and sets out how comments made were considered, including resulting changes to the Plan.
28. A Submission Plan Consultation Statement has also been prepared in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012. This document sets out the bodies and persons the local planning authority invited to make representations on the proposed content of the Plan and how the consultations undertaken accord with the council's adopted SCI.
29. Duty to Cooperate⁶ is an important element of Local Plan making. The WPA has a 'Duty to Cooperate' with certain organisations⁷. The Local planning authority must demonstrate how it has complied with the Duty at the independent examination of their Local Plan. The WPA have prepared a Duty to Cooperate Statement which demonstrates how they have discharged this duty.

⁶ Section 33A of the Localism Act 2011

⁷ As identified in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Comments on Draft Vision, Strategic Objectives, Spatial Strategy and Policies

30. There was support for the draft vision and the principles set out in the draft objectives. The importance of waste management in supporting a healthy economy in Surrey was recognised and there was support for the aim of net self-sufficiency. There was particular support for increases in prevention, re-use, recycling, and recovery of waste to minimise landfill.
31. Support was expressed for policies in the Plan. Some amendments to the policies, mainly to improve their effectiveness, have been made in response to comments, including those from some district and borough councils.
32. It was suggested that a greater emphasis was needed on environmental protection and the ambitiousness of the recycling targets was questioned, though the need for the targets to be achievable was acknowledged.

Comments on Proposed Sites

33. Many of the comments were from residents opposed to the allocation of a site for waste management in their area. These comments related to all of the proposed sites, with sites proposed at Lambs Business Park and Oakleaf Farm receiving the most comments.
34. Comments mentioned the potential impact of waste related development on residents, their quality of life and the environment. These included impacts on transport (in particular increased HGVs, noise, congestion, vehicle and pedestrian safety), visual intrusion, flood risk and air quality, as well as impacts on habitats and biodiversity. Other concerns related to potential impacts on sensitive receptors (such as schools and hospitals) as well as areas designated as being of landscape, historic, scientific or environmental importance.
35. For sites proposed within the Green Belt, the importance of adhering to national policy and the need for any such development to demonstrate 'very special circumstances' was highlighted. In addition, the deliverability of some of the sites was questioned.
36. There was a strong desire for the Plan to specify the types of waste management that might be suitable at allocated sites. There was also a desire for the potential impacts of any development at allocated sites to be considered in-combination with impacts from other forms of development nearby.
37. Ten additional sites were nominated for inclusion in the plan. All but one of these sites have previously been considered and rejected in the site identification and evaluation process⁸. Following further consideration, none of the sites nominated have been carried forward for inclusion in the Plan.

General Comments on the Draft Plan

38. There was strong support for partnership working, including with district and borough councils and other authorities. Several respondents noted the Plan

⁸ As set out in the Site Identification and Evaluation Report, 2018

appeared thorough and sound, though there were also concerns that the documents were complex and lengthy.

Member Reference Group

39. A Member Reference Group (MRG) provided input by acting as a 'critical friend' to the process of preparing the Plan and has engaged at various stages of the Plan's preparation, this has included reviewing the evidence supporting the Plan and commenting on its content.
40. The MRG was initially established by the Economic Prosperity, Environment and Highways Board in June 2016. The MRG was then reconvened by the Environment & Infrastructure Select Committee on 5 October 2017 when its revised terms of reference were agreed.

RISK MANAGEMENT AND IMPLICATIONS:

41. It is important that Council's minerals and waste plans remain effective and compliant with national legislation and policy. Failure to do so could lead to successful challenges to decisions on relevant planning applications, whereby they are overturned and costs are potentially awarded against the Council.
42. The WPA is managing this risk by being proactive about reviewing the SWP 2008 to ensure that planning policy concerning the management of waste in Surrey remains up-to-date and compliant with national legislation and policy and takes account of the most recent local context affecting the management of waste.

Financial and Value for Money

43. The additional cost of reviewing the SWP was agreed by Cabinet in December 2014. The review was expected to cost £0.3m, although it was acknowledged that costs could be as high as £0.5m depending on external factors. Costs will arise over four years from 2016/17 to 2019/20.
44. Additional costs already incurred in 2016/17 and 2017/18 amount to £0.037m. These have been met by the service. Costs for 2018/19 and 2019/20 are estimated to be up to £0.313m, including contingency, to be met from New Homes Bonus funding. This spend includes consultant support to deliver the new Plan and an independent public examination that includes public hearings. By anticipating issues and through the early engagement of stakeholders we are seeking to minimise the time and cost of the independent examination.

Section 151 Officer Commentary

45. The aims of the Surrey Waste Local Plan are consistent with managing waste in a value for money manner. The costs of agreeing and implementing the plan are allowed for in the council's Medium Term Financial Plan.

Legal Implications – Monitoring Officer

46. Surrey County Council is the WPA for Surrey. It is required by the Planning and Compulsory Purchase Act 2004 (as amended) to prepare development

plan documents and other documents that provide the framework for delivering waste planning policy in Surrey.

47. The act also requires every planning authority to prepare a development scheme which sets out the programme for the preparation of development plan documents and a Statement of Community Involvement which sets out communities will be involved in the preparation of planning policy.
48. During its preparation, the Plan has been the subject of Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programme Regulations 2004, and an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017.
49. The resulting Environment Sustainability Report and the Habitats Regulations Assessment will be published for consultation alongside the Plan and will be taken into consideration when making decisions with regard to the Plan. These reports are available as background papers.

Equalities and Diversity

50. In order to develop the Plan the WPA are required to carry out several stages of plan preparation and public consultation. An Equalities and Diversity Assessment (EqIA) has been prepared under the Equalities Act 2010. We have reviewed our EqIA at each stage to ensure that we capture and address any equalities issues that have arisen. The EqIA is attached to this report as Annex 4.

Environmental sustainability implications

51. In accordance with relevant legislation, a Sustainability Appraisal (SA) of the Plan is required. SA considers the performance of the Plan against social, economic and environmental objectives relevant to Surrey.
52. A Draft SA was undertaken at the Draft Plan stage and its recommendations have been taken into account in the Submission Plan. An SA of the Submission Plan has also been completed and, in response to its recommendations, it is considered that no further changes to the Plan are required. The SA is provided as a background report to this Cabinet Report.
53. The Plan seeks to encourage waste to be managed in the most sustainable way. In this regard it is considered that it will have positive implications for the council's environment and sustainability priorities.

Public health implications

54. The Plan has reviewed the potential implications for health through a Health impact Assessment. As a result there are unlikely to be significant impacts to public health as a result of the policies and sites in the Plan. In particular the Plan has policies which seeks to protect human health.

WHAT HAPPENS NEXT:

55. It is proposed that the Submission Plan be published for representations from 14 January 2019 to 24 February 2019. Following receipt of representations,

the Submission Plan, supporting evidence and the representations will be submitted to the Secretary of State who will then appoint a planning inspector to hold an independent examination to consider the soundness and legality of the plan. On behalf of the inspector, the county council will appoint a programme officer who will be responsible for co-ordinating the examination and communicating with representors.

56. During the examination, the planning inspector will consider all representations received and may choose to convene public hearings. If requested by the county council, the inspector can discuss changes to the plan needed to ensure its soundness (known as 'main modifications'). If such changes are necessary, these will be reported to Cabinet for agreement prior to being published for representations. Ultimately the Plan can only be adopted by the county council following receipt of an Inspector's report that finds the Plan sound and legally compliant. Adoption of the Plan would be a decision for Council.
57. During the process, minor changes to the plan may be needed (other than those relating to formatting and grammar) and it is proposed that the agreement to such changes be delegated to the Executive Director of Highways, Transport & Environment in consultation with the Cabinet Member for Environment & Transport. The Government has said it will publish a Resources and Waste Strategy in late 2018 and minor changes may be needed to reflect this – if major changes are required these will be reported to Cabinet.
58. The above stages and anticipated timings are set out in the MWDS (see Annex 3). These are subject to such matters as the availability of an Inspector and the extent to which main modifications are required.

Contact Officer:

Paul Sanderson, Minerals and Waste Planning Policy Team Leader, 020 8541 9949
Katelyn Symington, Principal Planning Policy Officer, 020 8541 7933

Consulted:

Internal Consultation:

Environment Select Committee
Surrey Waste Local Plan Member Reference Group
Cabinet Member for Environment and Transport

External Consultation:

Public Consultation on Issues and Options
Public Consultation on Draft Plan (See Draft Plan Consultation Summary Report 2018)
Duty to Cooperate Bodies⁹ prescribed bodies including the Environment Agency, Historic England and Natural England
District and Borough Planning Officers and members
Waste operators

⁹ Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011)

Annexes:

Annex 1: Surrey Waste Local Plan (Submission Plan Parts 1 Policies)

Annex 2: Surrey Waste Local Plan (Submission Plan Parts 2 Sites and Areas of Search)

Annex 3: Updated Minerals and Waste Development Scheme December 2018

Annex 4: Surrey Waste Local Plan Equalities Impact Assessment

Annex 5: Q & As

Sources/background papers:

- Non-technical summary, 2018
- Draft Plan Consultation Summary Report, November 2018
- Submission Plan Consultation Statement, 2018
- Duty to Cooperate Evidence of Engagement Statement, 2018
- Submission Plan Environment and Sustainability Report, 2018
- Habitats Regulations Assessment Draft Report July 2018
- Site Identification and Evaluation Report, 2018
- Industrial Land Area of Search Report, 2018
- Waste Needs Assessment, July 2018
- Site assessment reports (Landscape and Visual, Strategic Flood Risk, Transport, Air Quality, Health)